

California Regional Water Quality Control Board Central Valley Region

Katherine Hart, Chair

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June 24, 2010

Congressman Jim Costa
United States Congress
Washington, D.C. 20515

Congressman Dennis Cardoza
United States Congress
Washington, D.C. 20515

Dear Congressmen Costa and Cardoza:

Thank you for your letter addressed to State Board Chair Charles Hoppin and Central Valley Water Board Chair Kate Hart, dated June 9, 2010, concerning ammonia discharges into and affecting the Sacramento-San Joaquin Delta. We appreciate your interest in this issue and look forward to working with you - and all interested parties - as we pursue real solutions for the problems facing the Delta. This letter is being sent over my signature instead of Ms. Hart's because your letter specifically addressed the Sacramento Regional Wastewater Treatment Plant NPDES permit which is a pending item before the Central Valley Water Board. Chair Hoppin's response will be sent to you under separate cover.

As you know, the California Water Boards have been aggressively engaged in this topic for several years. The boards have undertaken, sponsored, or participated in several studies to examine the acute and chronic toxicity associated with elevated levels of ammonia/nitrogen to the Delta ecosystem. Some of these studies have focused specifically on toxicity with respect to Federally and State-Listed endangered and threatened species. The studies are designed to determine if elevated ammonia levels may be inhibiting the food web upon which *pelagic* and *salmonid* species of the Delta depend. Some of those studies are being concluded, while others are ongoing.

The Central Valley Water Board anticipates conducting a public hearing in December 2010 to consider a permit renewal for the Sacramento Regional Wastewater Treatment Plant. Regional Water Board staff has met frequently with the Sacramento Regional County Sanitation District and many other stakeholders to evaluate the impacts of the discharge. Agencies using downstream waters have been active participants in these meetings. In considering the available information and preparing for the hearing, Regional Water Board staff developed issue papers on human health and aquatic toxicity and circulated them for public review and comment. The issue papers help identify concerns, crystallize issues, and provide information to assist the permitting process and to educate stakeholders.

Our evolving understanding of the myriad stressors affecting the Delta will be a key issue in the Central Valley Water Board's consideration of the Sacramento Regional Wastewater Treatment Plant permit. The Central Valley Water Board will do everything it reasonably can to complete this process as quickly as possible and in full compliance with the Federal Clean Water Act and California's Porter-Cologne Water Quality Control Act. Both Acts require discharge permits to be protective of human health and the Delta ecosystem.

California Environmental Protection Agency

The Water Boards are committed to the use of sound science to guide regulatory decisions. We are following the National Academy of Sciences review last fall of the federal agencies' "biological opinions" related to the Delta smelt and the Chinook salmon, and similar scientific review efforts by Federal and State agencies. The State Water Board recently concluded three days of testimony on flow criteria for the Delta ecosystem. As part of the flow criteria proceeding, the State Water Board heard extensive scientific and expert testimony on flow and other factors, including ammonia that impacts the Delta ecosystem. The scientific information from these proceedings will be used in future proceedings to protect and restore the Delta.

The same commitment to sound science guides the Central Valley Water Board's development of the draft permit for the Sacramento Regional Wastewater Treatment Plant. The recent studies by Doctors Glibert and Werner are part of a large body of research being reviewed for permit development. Central Valley Water Board staff has met with both Dr. Glibert and Dr. Werner to understand the application of their respective studies.

The Central Valley Water Board greatly appreciate and value your concern and interest in this matter, and we look forward to working with you and other federal and state elected officials in trying to resolve the complex water quality challenges facing the Delta today. Many challenges remain ahead, and these challenges can only be overcome by the collective resolve of all parties to work toward a common good and collectively beneficial result. As the *Sacramento Bee* Editorial Board opined on May 21, 2010, such an effort "would be far more productive than continuing with the current pattern of finger-pointing and scientific cherry-picking."

Very truly yours,

A handwritten signature in black ink that reads "Pamela C. Creedon". The script is fluid and cursive, with the first name being the most prominent.

Pamela C. Creedon, Executive Officer
Central Valley Regional Water Quality Control Board

cc: Charles Hoppin, Chair, State Water Board
Central Valley Regional Water Board Members
Lori Okun, Senior Legal Counsel